



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FILING COMPLETION UNDER RULE 53(f)

( NOT PCT Applications)  
For Design, Provisional, or Utility Applications

PATENT  
APPLICATION

COMPLETION Under  
Rule 53(f)

Attn: Application Division

In re PATENT APPLICATION of

Inventor(s): BATHE et al.

Appln. No.: 09 824,551  
Series Code ↑ Serial No. ↑

Atty.Dkt. P 280106 000457 BT  
M# Client Ref

Filed: April 4, 2001

Title: Novel nucleotide sequences encoding the luxS gene

Hon. Commisioner of Patents  
Washington,DC 20231

Date: August 1, 2001

Sir:

The following completes the filing under Rule 53(f) of the above-identified patent application:

00004571-080100

1. Notice to File Missing Parts

☒ copy attached ☐ not yet received

2. ☒ Signed Declaration attached.

☒ Original ☐ Facsimile/Copy

(Always "X" box 2 if filing signed Declaration and

"X" box 2A only if top box of the Declaration is X'd and file application copy, or

"X" box 2B only if none of the top three boxes of the Declaration is X'd.)

2A. ☐ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.

2B. ☐ The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.

3. ☒ Specification originally filed in non-English language; hence verified translation attached of:

a. ☒ Abstract

b. # 36 pages of Specification(only spec. & claims)

c. ☒ Drawing(s) 1  
No of Sheets

☒ Fig(s). 1

4. ☐ Letter filing formal drawing attached.

5. ☒ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.

6. DOMESTIC/INTERNATIONAL priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

7. FOREIGN priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in GERMANY

Application No.	Filing Date	Application No.	Filing Date
(1) DE 100 44 755.4	September 9, 2000	(2) DE 101 12 105.9	March 14, 2001
(3)		(4)	
(5)		(6)	

Completion Under Rule 53(b)

9. \_\_\_\_\_ (No.) Certified copy (copies): \_\_\_\_\_ ☐ attached; ☐ previously filed (date) \_\_\_\_\_  
in U.S. Application No. \_\_\_\_\_ / \_\_\_\_\_ filed on \_\_\_\_\_
10. Small Entity Status ☐ ☒ is Not claimed ☐ is claimed (file PAT-256 if this is the first claim of Small Entity Status)
11. ☐ Attached:
12. ☐ Amendment

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED**

				Large/Small Entity		Fee Code
13. Basic Filing Fee . . . . . Design Application				\$320/\$160	710	106/26
. . . . . Not Design Application				\$710/\$355	+0	101/201
14. Total Effective Claims	38	minus 20 =	18	x \$18/\$9	+324	103/203
15. Independent Claims	4	minus 3 =	1	x \$80/\$40	+80	102/202
16. If <u>any proper</u> multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)				\$270/\$135	+270	104/204
17. Surcharge for filing Declaration/filing fee late				\$130/\$65	+130	105/205
18. <b>FILING FEE ENCLOSED =</b>					<b>\$1514</b>	
19. Original due date: August 4, 2001						
20. Petition is hereby made to extend the <u>original</u> due date to (1 mo)				\$110/\$55 =	+0	115/215
cover the date this response is filed for which the requisite fee (2mos)				\$390/\$195 =		116/216
is attached (3mos)				\$890/\$445 =		117/217
(4mos)				\$1390/\$695 =		118/218
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee . . . . .				\$130	+130	139
22. If "assignment" box 5 is X'd, add recording fee. . . . .				\$40	+40	581
23. Petition Fee for				\$130	+0	
24. <b>TOTAL FEE ENCLOSED =</b>					<b>\$1684</b>	

Our Deposit Account No. 03-3975

Our Order No. 21123

280106

C#

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP  
Intellectual Property Group**

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Atty/Sec: MAS/AMX

NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments

# APPLICATION UNDER UNITED STATES PATENT LAWS

Atty. Dkt. No. PW 280106  
(M#)

Invention: NOVEL NUCLEOTIDE SEQUENCES WHICH CODE THE luxS GENE

Inventor (s): Brigitte BATHE  
Caroline KREUTZER  
Achim MARX  
Walter PFEFFERLE

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Telephone: (703) 905-2000



09824551-080101

This is a:

- ☐ Provisional Application
- ☒ Regular Utility Application
- ☐ Continuing Application
  - ☐ The contents of the parent are incorporated by reference
- ☐ PCT National Phase Application
- ☐ Design Application
- ☐ Reissue Application
- ☐ Plant Application
- ☒ Substitute Specification  
Sub. Spec. Filed April 4, 2001  
in App. No. 09/824,551
- ☐ Marked up Specification re  
Sub. Spec. filed  
In App. No. /

## SPECIFICATION



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/824,551	04/04/2001	Brigitte Bathe	P 280106 000457 BT

CONFIRMATION NO. 9440

00909  
PILLSBURY WINTHROP LLP  
1100 NEW YORK AVENUE, N.W.  
9TH FLOOR  
WASHINGTON, DC 20005

## FORMALITIES LETTER



\*OC00000006145113\*

10/10/2001 YGIZAH 00000005 09824551

Date Mailed: 06/04/2001

01 FC:103 36.00 OP

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/03/2001 AZERGAH1 00000041 09824551

01 FC:101 710.00 OP  
02 FC:103 324.00 OP  
03 FC:102 80.00 OP  
04 FC:104 270.00 OP  
05 FC:105 130.00 OP  
06 FC:106 130.00 OP

FILED UNDER 37 CFR 1.53(b)

Adjustment date: 10/10/2001 YGIZAH  
08/03/2001 AZERGAH1 00000041 09824551  
02 FC:103 -324.00 OP

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(i), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- The balance due by applicant is \$ 970.**
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:

Repln. Ref: 10/10/2001 YGIZAH 0012365700

DAH:033975 Name/Number:09824551 Drawing figures contain text that is not in English (including, for example, a flow

FC: 704 \$288.00 CR

chart that was originally not in English that has been marked up to include the English text) see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1);

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*A copy of this notice MUST be returned with the reply.*

*MDing*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

0924551-080101  
F0T080-T5542860